

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

VS.

RAFAEL MANUEL GARZA

§
§
§
§
§

MAGISTRATE NO. 2:13-MJ-287-1

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The material witnesses identified the defendant as the person who dropped them off before the checkpoint and picked them up afterward. The defendant admitted he was aware that the aliens in his vehicle were illegally in the United States. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant was on probation for an identical offense when he committed this crime, demonstrating that he is either unwilling or unable to comply with court-ordered conditions of release. He is a poor bond candidate.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending

appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 19th day of March, 2013.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE